

REMARKS

Claims 1 and 3 have been amended to include the subject matter of claim 4 and to improve the claim language. Claim 4 has been canceled. No new matter has been presented. Upon entry of this amendment, claims 1 and 3 will be pending in this application.

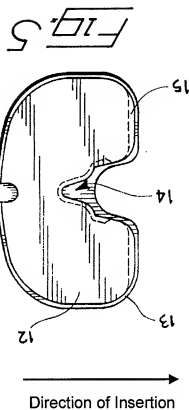
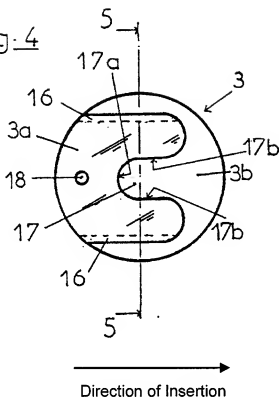
Claims 1, 3 and 4 are rejected under 35 USC 112, second paragraph, in connection with an antecedent basis issue associated with an element in claim 1. Claim 1 has been amended to resolve the antecedent basis issue.

Claims 1, 3 and 4 remain rejected under 35 USC 103(a) on Caenen (FR 2,718,635) in view of Heldreth (EP 0636352). This rejection is respectfully traversed with respect to the claims as amended.

Claim 1 recites an intervertebral disc prosthesis comprising two cover plates and a prosthesis core. The prosthesis core connects to one of the cover plates by complementary undercut connection profiles on the cover plate and the prosthesis core. The connection profile on the prosthesis core includes a dorsal portion and a lateral portion. The dorsal portion is formed along a dorsal edge of the prosthesis core and has a single projecting tip in a triangular configuration. The projecting tip points in a direction of insertion into the cover plate. The dorsal portion comprises a pair of first profile sections forming sides of the triangular configuration that meet at an angle not greater than 150°. The lateral portion is formed along lateral edges of the prosthesis core and comprise a pair of second profile sections arranged in an anteroposterior direction. The pair of first profile sections meet the pair of second profile sections.

Neither Caenen nor Heldreth disclose or suggest an undercut connection profile of a prosthesis core that has a dorsal portion, formed along a dorsal edge of the prosthesis core, with a single projecting tip in a direction of insertion into a cover plate as claimed. In contrast, as shown by FIG. 4 of Caenen and FIG. 5 of Heldreth below (oriented according to a direction of insertion):

Fig. 4



neither articulating hub 3 of Caenen (FIG. 4) nor articular component 10 (unlabeled) of Heldreth (FIG. 5) disclose an undercut connection profile having a dorsal portion, formed along a dorsal edge of hub 3 or component 10 (i.e., a right-side edge of the hub/component as illustrated), with a single projecting tip in a direction of insertion into a cover plate. Rather, Caenen fails to disclose any portion of an undercut connection profile formed along a dorsal edge of hub 3, as indicated by the absence of dotted lines along dorsal edges 17a and 17b. And Heldreth discloses two-segment dovetail slot 14 in a direction opposite to the direction of insertion into plate 1 (not shown). Accordingly, the cited art does not teach or suggest an undercut connection profile of a prosthesis core that has a dorsal portion, formed along a dorsal edge of the prosthesis core, with a single projecting tip in a direction of insertion into a cover plate as claimed.

Further, neither Caenen nor Heldreth disclose or suggest an undercut connection profile of a prosthesis core having both a dorsal portion, formed along a dorsal edge of the prosthesis

core, and a lateral portion, formed along lateral edges of the prosthesis core, as claimed. In contrast, as shown in FIG. 4 and explained above, articulating hub 3 of Caenen does not disclose an undercut connection profile having a dorsal portion formed along a dorsal edge of articulating hub 3. And as shown in FIG. 5 above, articular component 10 of Heldreth does not disclose an undercut connection profile having a lateral portion formed along lateral edges of component 10 (i.e., top-side and bottom-side edges of the component illustrated in FIG. 5), as indicated by the absence of dotted lines along the lateral edges of component 10. Accordingly, the cited art does not teach or suggest an undercut connection profile of a prosthesis core having both a dorsal portion, formed along a dorsal edge of the prosthesis core, and a lateral portion, formed along lateral edges of the prosthesis core, as claimed.

Therefore, because Caenen and Heldreth do not teach or suggest, either individually or collectively, all of the elements required by claim 1, the rejection of claim 1 and claim 3 depending thereon should be withdrawn.

In view of the above, early action allowing claims 1 and 3 is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. **246472005200**.

Dated: August 21, 2008

Respectfully submitted,

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